



Entered on Docket
October 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Amended Third
Omnibus Objection Of USACM Trust To
Proofs Of Claim Based In Part Upon
Investment In The Bundy Canyon
(\$7.5 Million) Loan**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Amended Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment in The Bundy Canyon (\$7.5 Million) Loan, [DE 8779] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the partial disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Bundy Canyon (\$7.5 Million) Loan; and good
2 cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8779] is sustained;
- 5 2. The claims listed on **Exhibit A** attached are 80% disallowed and 20%
6 allowed to the extent those claims are based upon an investment in the Bundy Canyon
7 (\$7.5 Million) Loan; and
- 8 3. To the extent those claims are based upon an investment in a different
9 loan(s) they will not be affected by this Order.

10
11 PREPARED AND RESPECTFULLY SUBMITTED BY:

12 **LEWIS AND ROCA LLP**

13
14 By /s/ John Hinderaker (AZ #018024)

15 Robert M. Charles, Jr.

16 John Hinderaker (*pro hac vice*)

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21 *Attorneys for USACM Liquidating Trust*

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust
Bundy Canyon (\$7.5 Million) Loan
Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Bundy Canyon \$7,500,000 Loan	Amount Allowed	Amount Disallowed
10725-02366	Al-Awar Living Trust Dtd 4/05/01	Adib M & Ellen A Al-Awar Ttees 1330 Burro Ct Gardnerville, NV 89410	3,615,913.62	100,000.00	20,000.00	80,000.00
10725-01962	Apigian It Ten, Larry & Leona	13501 Muir Drive SE Monroe, WA 98272	356,300.72	50,000.00	10,000.00	40,000.00
10725-02025	Apigian, Larry & Leona	13501 Muir Drive SE Monroe, WA 98272	Unknown	50,000.00	10,000.00	40,000.00
10725-02334	Davis Family Trust	C/O Joseph Davis & Marion Sharp Co-Trustees 3100 Ashby Ave Las Vegas, NV 89102-1908	1,500,000.00	200,000.00	40,000.00	160,000.00
10725-02333	Davis Investments	20 Leroy Terrace New Haven, CT 06512	2,000,000.00	80,000.00	16,000.00	64,000.00
10725-02330	Davis, Todd	360 W 55Th St Apt 1G New York, NY 10019	1,150,000.00	100,000.00	20,000.00	80,000.00
10725-02063	Dery, James D & Ann R	Husband & Wife 10 Longmeadow Ln Beachwood, OH 44122	2,793,347.72	50,000.00	10,000.00	40,000.00
10725-02018	Evelyn G Canepa Trust Dtd 9/19/00	C/O Laurel E Davis Lionel Sawyer & Collins 300 South Fourth St., Suite 1700 Las Vegas, NV 89101	Unknown	100,000.00	20,000.00	80,000.00
10725-00442	Heinbaugh, Judith	503 Fairview Boulevard Incline Village, NV 89451-8930	175,000.00	100,000.00	20,000.00	80,000.00
10725-01257	Houghton Dental Corp PSP	Fbo Geraldine Houghton 2871 Pinta Perris, CA 92571	400,000.00	100,000.00	20,000.00	80,000.00

EXHIBIT A